

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Claudio Boffito, et al.

APPLICATION NO.: 08/675,969

FILED: July 5, 1996

FOR: **THERMALLY INSULATING JACKET AND
RELATED PROCESS**

EXAMINER: WILLIAM C. DOERRIER

ART UNIT: 3744

CONFIRMATION NO: 1336

ATTORNEY DOCKET NO. SAESP050.US01

PATENT

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

In response to the Notice of Non-Compliant Amendment mailed on December 22, 2008, Applicant submits that the Response to Non-Final Action filed July 7, 2008, was compliant. The examiner alleges that the Amendments to the Claims were non-compliant for failure to meet the requirements of 37 CFR 1.121. Applicant respectfully submits that 37 CFR 1.121(i) indicates that "Any amendment to the description and claims in reissue applications must be made in accordance with 37 CFR 1.173." 37 CFR 1.173(b)(2) states, "An amendment paper must include the entire text of each claim being changed... and of each claim added. [The claims] should be canceled by a statement canceling the claim without presentation of the text of the claim." Since only claim 24 was canceled and no other claims were changed or added, the Amendments to the Claims is compliant with 37 CFR 1.173(b)(2). Accordingly, Applicant respectfully requests withdrawal of the Notice of Non-Compliant Amendment and welcomes a call from the examiner to expedite prosecution.

Respectfully submitted,

/Brian S. Boyer/

Brian S. Boyer, Ph.D., Reg. No. 52,643

Date: March 20, 2009

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